

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti Saris
	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	Magistrate Judge Marianne B. Bowler
<i>the Florida Keys, Inc., v. Abbott Laboratories,</i>	)	
<i>Inc., CIVIL ACTION NO. 06-11337-PBS</i>	)	
	)	

**UNOPPOSED MOTION BY THE UNITED STATES FOR  
EXTENSION OF TIME TO RESPOND TO DEFENSE MOTIONS  
FOR A FINDING OF SPOILIATION AND FOR SANCTIONS**

The United States moves this Court to extend until July 15, 2009, the deadline by which it may respond to motions by defendants for a finding of spoliation. Defendant Abbott Laboratories, Inc., filed a spoliation motion on June 4, 2009 (Dkt. 6096). Defendant Dey, Inc., filed a spoliation motion on June 12, 2009 (Dkt. 6109). Currently, the parties are operating under a scheduling order which requires the submission of dispositive motions on June 26, 2009 (by defendants) and July 24, 2009 (by the Government).

The grounds asserted in support of defendant's separate spoliation motions substantially overlap. The Government will endeavor, to the fullest extent feasible, to file a consolidated response to the separate motions. Additionally, the Government believes that legal issues implicated by defendants' spoliation motions may overlap with issues that will be covered during the upcoming exchange of dispositive briefs. The Government further submits that the extension requested by this motion will not cause any delay in these cases in light of the briefing schedule

in place with respect to the dispositive motions. Defense counsel have stated they will not oppose this request for an extension of time.

Based on the foregoing, the United States respectfully requests that it be permitted up to and including July 15, 2009 by which to respond to the above-referenced spoliation motions by Abbott and Dey.

Respectfully Submitted,

For the United States of America,

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ACTING UNITED STATES  
ATTORNEY

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Dated: June 18, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above  
“UNOPPOSED MOTION BY THE UNITED STATES FOR EXTENSION OF TIME TO  
RESPOND TO DEFENDANTS’ MOTIONS FOR A FINDING OF SPOILIATION AND  
SANCTIONS” to be served on all counsel of record via electronic service pursuant to Paragraph  
11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting  
and notification to all parties.

Dated: June 18, 2009

/s/ Justin Draycott  
Justin Draycott